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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/591,447 04/18/96 QUENTIN-MILLET

M XI/P02956US0

000881 HM12/0619  
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1199 NORTH FAIRFAX STREET  
SUITE 900  
ALEXANDRIA VA 22314

EXAMINER

PAK, M

ART UNIT	PAPER NUMBER
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1646

34

DATE MAILED:

06/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. <b>08/591,447</b>	Applicant(s) <b>Quentin-Millet et al.</b>
	Examiner <b>Michael Pak</b>	Group Art Unit <b>1646</b>

Responsive to communication(s) filed on Mar 28, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 77, 78, and 83-133 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 77, 78, and 83-133 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Continued Prosecution Application***

1. The request filed on 28 March 2000 (paper No. 32) for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/591,447 is acceptable and a CPA has been established. An action on the CPA follows.

***Response to Amendment***

2. The amendment filed 28 March 2000 (paper No. 32) has been entered.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Applicant's arguments filed 28 March 2000 (paper No. 32), have been fully considered but they are not found persuasive.

***Claim Objections***

5. The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be renumbered consecutively beginning with

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the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 79-129 been renumbered claims 83-133.

6. Claims 77-78 are objected to because of the following informalities. Appropriate correction is required.

Claims 77 and 78 are dependent on canceled claim 54.

***Claim Rejections - 35 USC § 112***

7. Claims 77-78 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 77 and 78 are ambiguous because the claims are dependent on canceled claim 54.

***Claim Rejections - 35 USC § 102***

8. Claims 77-78 and 83-133 are rejected under 35 U.S.C. 102(b) as being anticipated by Legrain et al. (AS).

The teachings of Legrain et al. Has been set forth in the previous office actions.

Claims are derived from the sequence of claim limitations thus are met by Legrain sequence which could be derived from the claim limitation. The alignment encompasses setting gap penalty

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to zero which results in 100% identity with any sequence.

9. Claims 77-78 and 83-133 remains rejected under 35 U.S.C. 102(b) as being anticipated by Quentin-Millet et al. (AM).

The teachings of Quentin-Millet et al. has been set forth in the previous office actions.

Claims are derived from the sequence of claim limitations thus are met by Quentin-Millet sequence which could be derived from the claim limitation. The alignment encompasses setting gap penalty to zero which results in 100% identity with any sequence.

10. No claims are allowed.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pak, whose telephone number is (703) 305-7038. The examiner can normally be reached on Monday through Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, can be reached on (703) 308-4310.

Official papers filed by fax should be directed to (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 308-0294.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Michael D. Pak*

Michael Pak  
Patent Examiner  
Art Unit 1646  
1 June 2000